IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25667 of 2007(E)

PETITIONER:

AJILKUMAR M.V.,
S/O. KRISHNAN MASTER (LATE), 'KRISHNAVASANTHAM',
P.O. CHALAKODE, KOROM, KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, THIRUVANANTHAPURAM.

3. THE DIRECTOR,
L.B.S. CENTRE FOR SCIENCE & TECHNOLOGY,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.B.SURESH KUMAR SC, LBS CENTRE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.25667 OF 2007

DATED THIS THE 24th DAY OF AUGUST, 2007

JUDGMENT

The petitioner appeared for the State Eligibility Test conducted in 2007 in the subject of Chemistry. The petitioner got 57.58% for the first paper and 40.34% for the second paper. The eligibility for passing is minimum of 50% in each paper. The petitioner submits that the petitioner should have been declared as passed by granting moderation The ground on which this submission is made that in respect of other seventeen subjects moderation has been granted. The petitioner, therefore, seeks direction to the respondents to grant moderation to the petitioner for the second paper.

I am not inclined to consider the petitioner's claim. Moderation is not a right, it is only a concession given, taking into account the circumstances. Simply because in respect of other subjects moderation has been granted, there won't be any discrimination if moderation is denied in one subject. The question as to whether moderation should be given or not has to be decided taking into account various factors which may not be the same in respect of all subjects. Therefore this court cannot decide whether it is necessary to grant moderation in

Chemistry. According to me the practice of giving moderation in SET itself may not be a healthy practice unlike in usual examinations since the SET is for the purpose of deciding whether a person who passed the qualifying examination is competent to teach students. Therefore, I do not find any merit in this writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

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